

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

File No. 04-CV-2819 JMR/FLN

Kimberly Kay Witczak, surviving spouse and
trustee for next of kin of Timothy Michael
Witczak,

Plaintiff,

vs.

Pfizer, Inc.,

Defendant.

**AGREEMENT AND CONSENT TO
DISTRIBUTION OF SETTLEMENT
PROCEEDS AND WAIVER OF
NOTICE OF HEARING OF:**

**KIMBERLEY KAY WITCZAK
(SURVIVING SPOUSE)**

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

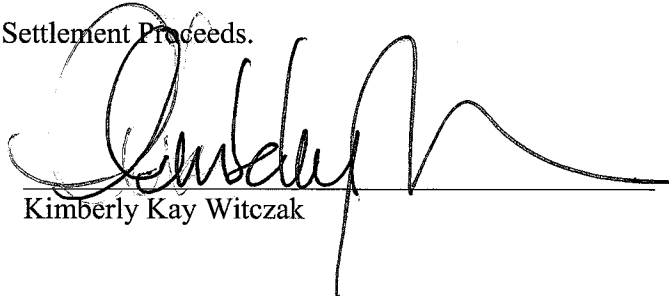
Kimberly Kay Witczak, being first duly sworn, states as follows:

1. I am the surviving spouse of the decedent and the duly-appointed Trustee for his next of kin.
2. I have been provided by the plaintiff's attorneys with a copy of both (a) the Petition for Distribution of Money Recovered under Minn. Stat. §573.02, and (b) the proposed Order Approving Distribution of Settlement Proceeds, both of which I understand will be filed under seal, due to the settlement terms being strictly confidential. Both of those documents set forth (a) the gross settlement amount, (b) the deductions for attorney's fees and litigation costs and disbursements, and (c) the amounts to be distributed to the surviving spouse and each of the next of kin.

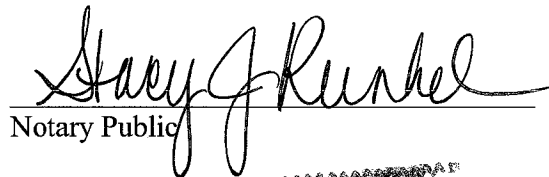
3. The distribution scheme set forth in the Petition and the proposed Order had earlier been agreed to by me and all of the next of kin, and I hereby confirm my agreement with the Petition and to each proposed distribution set forth therein.

4. I understand that I have the right to receive notice of, and attend, any hearing to be held on the above-mentioned Petition. I hereby waive that right.

5. I respectfully request that the Court adopt the distribution scheme set forth in the proposed Order Approving Distribution of Settlement Proceeds.


Kimberly Kay Witczak

Subscribed and sworn to before me
this 15th day of February, 2006


Notary Public

